IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.8 OF 1999.

Smt.Anubai Dama Aagalawe : Appellant.

versus

The Special Land Acquisition Officer, Metro Centre No.4 Panvel : Respondent.

Mr.Jaydeep Dev with Mr.P.K.Dhakephalkar for the appellant.

Mr.S.N.Gawade, AGP, for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 28th January 2005.

ORAL ORDER

1. Heard Mr.Jaydeep Dev for the appellant and Mr.Gawade, AGP, for the State.

2. This is a claimant's appeal for enhancement of compensation. Her land situated

at Tembode, Tal. Panvel was acquired. The area of the acquired land was 3960 sq.mtrs. Notification under Section 4 was issued on 3.2.1970 and the award came to be delivered on 15.9.1986. The SLAO awarded her Rs.1.50 per sq.mtr. She filed a Reference for enhancement claiming Rs.25/- per sq.mtr. But the lower Court granted her Rs.6/- per sq.mtr.

3. This acquired land is a part of Panvel Taluka and we have decided number of appeals from that area on the basis of Division Bench's judgment in First Appeal No.875 of 1985 with other Appeals. Only one criteria was applied for fixing the compensation and that was proximity of land or distance of land acquired from the national highway. In this case, in para 6 of the judgment, the lower Court has observed and noted that, "Considering the evidence of the power of attorney of the claimant from the cross examination, it goes to show that the said land is away from the National Highway and the railway line. But the distance is 1.5 kms from the National Highway; 1 km. from Jawahar Industrial Estate and 2.5 kms. from Panvel Industrial Estate and 1 km. from railway station."

4. In the appeals, decided from the said area on the aforesaid criteria, I have granted Rs.13/- per sq.mtr. as compensation. Therefore, applying same analogy and same criteria and test this appeal is required to be allowed partly. Hence the order :-

:ORDER:

The appeal is partly allowed.

Compensation awarded to the claimant is enhanced to Rs.13/- per sq.mtr. and the interest on the additional amount.

Rest of the order to remain as its.

[D.G.DESHPANDE]

28/01/2005 JUDGE.